

No. 24-4019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

AARON ALBERT GOODE,

Defendant-Appellant.

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**APPELLANT'S MOTION TO EXTEND BRIEF DEADLINE**

Appellant requests that this Court extend the deadline in which to file his opening brief by 7 days, up to and including June 12, 2024.

**Argument**

Undersigned counsel was appointed to represent Mr. Goode on March 4, 2024. (4th Cir. DE 10). Mr. Goode's opening brief is currently due on June 5, 2024.

On June 3, 2024, this Court issued its published opinion in *United States v. Canada*, \_\_\_ F.4th \_\_\_; No. 22-4519 (4th Cir., June 3, 2024). The Court held in *Canada* that the federal felon-in-possession statute, 18 U.S.C. § 922(g)(1), is not facially unconstitutional, but left open the possibility that the statute may be unconstitutional on an as-applied basis. (Op. at 2-3). The Court also held that a South

Carolina felony conviction for criminal domestic violence was not a violent felony for purposes of the Armed Career Criminal Act because it requires only a *mens rea* of recklessness. (Op. at 4-5).

Moreover, on June 3, 2024, the Supreme Court of the United States granted a writ of certiorari in *Delligatti v. United States*, No. 23-825. The question presented in *Delligatti* is whether a felony conviction qualifies as a “crime of violence” for purposes of 18 U.S.C. § 924(c)(3)(A) if it requires proof of bodily injury or death but can be committed by failing to take action.

Mr. Goode was convicted of a felon-in-possession offense under 18 U.S.C. § 922(g)(1), such that *Canada* may be relevant to his arguments on appeal. He was also sentenced under the Armed Career Criminal Act, such that both *Canada* and *Delligatti* may be relevant to his arguments on appeal.

Undersigned counsel requests a 7-day extension of the deadline in which to file the opening brief in order to more adequately assess the potential implications of these cases to this appeal. There is good cause for the requested extension.

Extending the deadline by 7 days will not significantly impact the scheduling of this appeal. Neither party will be prejudiced by the requested extension.

### **Conclusion**

Appellant respectfully requests that the Court extend the deadline in which to file his opening brief by 7 days, up to and including June 12, 2024.

Respectfully submitted,

Dated: June 3, 2024

/s/ Stephen J. van Stempvoort

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2024, the foregoing was filed through the Court's Electronic Filing System, which will send notice to all counsel appearing in this matter.

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